

# House File 743 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 480)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the entry upon land by a surveyor for land  
2 survey purposes.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2310HV 83  
5 jr/sc/14

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1 1 Section 1. NEW SECTION. 354.4A ENTRY UPON LAND FOR  
1 2 SURVEY PURPOSES.  
1 3 1. a. A land surveyor may enter public or private land or  
1 4 water in the state only to occupy, locate, relocate, install,  
1 5 or replace survey monuments, to locate boundaries,  
1 6 rights-of-way, and easements, to determine geodetic positions,  
1 7 and to make surveys and maps and may carry with them their  
1 8 customary equipment and vehicles. Entry under the right  
1 9 granted in this section shall not constitute trespass, and  
1 10 land surveyors shall not be liable to arrest or a civil action  
1 11 by reason of the entry.  
1 12 b. For purposes of this section, "land surveyor" means a  
1 13 land surveyor licensed pursuant to chapter 542B or a person  
1 14 under the direct supervision of a licensed land surveyor.  
1 15 2. A vehicle used for or during entry pursuant to this  
1 16 section shall be identified on the exterior by a legible sign  
1 17 listing the name, address, and telephone number of the land  
1 18 surveyor or the firm employing the land surveyor.  
1 19 3. To the extent practicable, land surveyors shall  
1 20 announce and identify themselves and their intentions before  
1 21 entering upon private property. This notice is not required  
1 22 for a survey along previously surveyed boundaries within a  
1 23 platted subdivision accepted or recorded by the federal  
1 24 government or approved and recorded under chapters 354 and 355  
1 25 or preceding land surveying laws of this state.  
1 26 4. This section shall not be construed as giving authority  
1 27 to land surveyors to destroy, injure, or damage anything on  
1 28 the lands of another without the written permission of the  
1 29 landowner, and this section shall not be construed as removing  
1 30 civil liability for such destruction, injury, or damage.  
1 31 5. A land surveyor who enters on private land must comply  
1 32 with all biosecurity and restricted-access protocols  
1 33 established by the owner or occupant of the private land.  
1 34 6. An owner or occupant of private land owes no duty of  
1 35 care to a land surveyor entering upon such private land under  
2 1 the provisions of this section, and such owner or occupant  
2 2 shall not be liable for any injury or damage sustained by a  
2 3 land surveyor entering upon such private land unless the  
2 4 damage or injury is caused by the willful or malicious conduct  
2 5 of the owner or occupant.

### EXPLANATION

2 7 This bill creates a right of entry for a licensed land  
2 8 surveyor or a person under the direct supervision of a  
2 9 licensed land surveyor, hereinafter referred to as surveyors.  
2 10 The bill provides that a surveyor may enter public or  
2 11 private land or water in order to occupy, locate, relocate,  
2 12 install, or replace survey monuments, to locate boundaries,  
2 13 rights-of-way, and easements, to determine geodetic positions,  
2 14 and to make surveys and maps. To the extent practicable,  
2 15 surveyors are required to announce and identify themselves and  
2 16 their intentions before entering upon private property.  
2 17 Surveyors who enter on private land must comply with all  
2 18 biosecurity and restricted-access protocols established by the  
2 19 owner or occupant of the private land.

2 20 The bill provides that the right of entry does not  
2 21 authorize surveyors to destroy, injure, or damage anything on  
2 22 the lands of another and does not remove civil liability for  
2 23 destruction, injury, or damage. The bill also provides that  
2 24 the owner or occupant of the land is not liable for any injury  
2 25 or damage sustained by any person entering upon the owner's  
2 26 land under the provisions of this section, unless the damage  
2 27 or injury is caused by the willful or malicious conduct of the  
2 28 owner or occupant.  
2 29 LSB 2310HV 83  
2 30 jr/sc/14